

ORDINANCE No. _____, SERIES 2007

AN ORDINANCE CHANGING THE ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL AND R-4 SINGLE FAMILY RESIDENTIAL TO R-5 SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 4308, 4310, 4314, 4316, & 4318 RUDY LANE, CONTAINING 7.49 ACRES, (OF WHICH 1.90 ACRES ARE UNDER THE ZONING JURISDICTION OF LOUISVILLE METRO) AND BEING IN LOUISVILLE METRO (CASE NO. 8453) (AS AMENDED).

SPONSORED BY: COUNCILMAN TOM OWEN

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 8453; and

WHEREAS, the Council has reviewed the record made by the Planning Commission and made the following findings of fact in support of the recommendation of the Planning Commission:

1. The proposal complies with the intent and policies of Guideline 1 of Cornerstone 2020, the comprehensive plan, because the property is located within the Neighborhood Form District, which allows for a variety of housing types and densities, and the proposed development is low density, and provides an alternative style of housing and meaningful open space in its center.

2. The proposal complies with the intent and policies of Guideline 3 of Cornerstone 2020, and specifically with Policies 1-3, and 5-12 because the residential developments in the Rudy Lane area are generally single-family and suburban in nature, and range from small lots to larger lots with homes constructed of at least some masonry materials, and the proposed development features a lotting pattern compatible with existing residential development, and includes homes constructed of primarily masonry with other building materials as accents. The proposed development will not generate adverse odor, air quality, traffic, noise, lighting or visual

impacts, as it is in keeping with the existing character and style of the area. The proposed development will be designed in a more traditional layout with rear entry garages accessed from private alleys intended only for access by homeowners.

3. The proposal complies with the intent and policies of Guideline 3 of Cornerstone 2020, and specifically with Policies 21-24 and 29 because the development will use an external buffer in the form of a heavily-landscaped fence and wall to buffer the impact of the proposed rear-entry garages adjacent to the property lines, which should reduce light and noise impacts on adjacent residences, as will the design of the homes with setbacks closer to the front lot lines and the central open space.

4. The proposal complies with the intent and policies of Guideline 4 of Cornerstone 2020, and specifically with Policies 1 and 3-7 because the development is designed with a large central courtyard which will contain tree masses and space for active and passive recreation, as well as open space along Rudy Lane which will act as a buffer between the road and the proposed new homes, and because a homeowners association will maintain all this open space.

5. The proposal complies with the intent and policies of Guideline 5 of Cornerstone 2020, and specifically with Policies 1 and 6 thereof because the applicant will attempt to preserve existing trees on the site to the extent possible, and to create an oversized detention area adjacent to a small creek to the east of the subject property to retain water from the new development and to increase floodplain capacity for the stream during storm events.

6. The proposal complies with the intent and policies of Guideline 7 of Cornerstone 2020 and specifically with Policies 1-4, 6, 9 and 10 because the applicant will dedicate additional right-of-way along Rudy Lane, and will create a stub connection to provide for future connectivity to the west of the development site. The proposal will allow for rear access to the new homes, and the alley will be suitably buffered from adjacent residential uses. Additional street parking will be provided for visitors. The proposal will also encourage alternative forms of

transportation, including bicycle and pedestrian, through the installation of sidewalks throughout the development, and connected to sidewalks along Rudy Lane.

7. The proposal further complies with the intent and policies of Guidelines 8 and 9 of Cornerstone 2020 in that the development provides a stub for future connectivity, and sidewalks to encourage and support bicycle and pedestrian access, and will use rear alleys to access private garages.

8. The proposal complies with the intent and policies of Guideline 10 of Cornerstone 2020, and specifically with Policies 1, 2, 5, 7, 9, 11 and 12 because the development will contain a large common open area in the center, which will serve to absorb some surface water from the site, as well as an oversized detention basin that will serve this function and the function of providing floodplain capacity for the creek and relief for a culvert under Rudy Lane that occasionally backs up during storm events. The applicant will additionally use all required measures to protect the adjacent creek from sedimentation.

9. The proposal complies with the intent and policies of Guideline 11 of Cornerstone 2020, and specifically with Policies 3, 4, and 9 because the development includes sediment control measures and additional water storage capacity through the detention basins and large central green space.

10. The proposal complies with the intent and policies of Guideline 12 of Cornerstone 2020, and specifically with Policies 1, 3, 4, 6 and 8 because the development is located along a collector-level street and provides easy access to the Watterson Expressway and Hubbards Lane, and because internal streets and alleys are designed to move traffic efficiently through the development. These features will minimize air quality impacts from the development.

11. The proposal complies with the intent and policies of Guideline 13 of Cornerstone 2020, and specifically with Policies 1, 2, 5, and 7 because the development will feature a significant landscape buffer along Rudy Lane, including a brick wall and vegetative materials, which will also be an attractive feature for the residents of the new neighborhood, and because

the development itself will include a large central open space with a significant tree canopy.
The development will comply with tree canopy requirements of the Land Development Code.

12. The proposal complies with the intent and policies of Guideline 14 of Cornerstone 2020, and specifically with Policies 2-4 and 6 because utility connections are immediately available to the subject property, and utilities will be provided underground.

~~WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 8453 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;~~

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: That the property located at 4308, 4310, 4314, 4316, & 4318 Rudy Lane, containing 7.49 acres (of which 1.90 acres are under the zoning jurisdiction of Louisville Metro) and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 8453 is hereby changed from R-3 Single Family Residential and R-4 Single Family Residential to R-5 Single Family Residential, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 8453.

Section II: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: _____